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[Additional counsel on signature page.]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ARINDAM BANERJEE AND JOGESH  
HARJAI, Individually and on Behalf of All  
Others Similarly Situated,

Plaintiffs,

v.

AVINGER, INC., JEFFREY M. SOINSKI,  
MATTHEW B. FERGUSON, DONALD  
A. LUCAS, JOHN B. SIMPSON, JAMES  
B. McELWEE, JAMES G. CULLEN,  
THOMAS J. FOGARTY, CANACCORD  
GENUITY, INC., COWEN AND  
COMPANY, LLC, OPPENHEIMER &  
CO., BTIG, and STEPHENS, INC.,

Defendants.

Case No. 17-cv-3400-CW

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND TIME FOR  
FILING CLASS ACTION  
SETTLEMENT PAPERS AND  
PRELIMINARY APPROVAL  
MOTION**

1 WHEREAS, on March 23, 2018, the parties advised the Court that they had reached an  
2 agreement, as set forth in a binding written memorandum of understanding, on the terms of a  
3 proposed settlement of this action, and also submitted a [Proposed] Order and Stipulation to  
4 (a) stay all non-settlement related proceedings; (b) set a deadline of May 1, 2018, for submitting  
5 the customary “long form” Stipulation of Settlement, with customary exhibits thereto, and  
6 Motion for Preliminary Approval; and (c) convert the previously scheduled date for a hearing on  
7 the then-pending motions to dismiss (May 22, 2018 at 2:30 pm) into a hearing on Plaintiffs’  
8 motion for preliminary approval.

9 WHEREAS, the Court entered the parties’ [Proposed] Order on March 26, 2018;

10 WHEREAS, the various parties – including Lead Plaintiffs, the plaintiff in the related  
11 State Action pending in California state court (which will also be dismissed as part of the  
12 proposed Settlement) and the multiple sets of defendants in this action – have been working  
13 diligently to finalize the “long form” Stipulation of Settlement and customary exhibits thereto,  
14 but need a brief extension of time to conclude the final settlement papers;

15 NOW, THEREFORE, the parties hereby stipulate and respectfully request that the Court  
16 enter an Order providing as follows:

- 17 1. Plaintiffs’ deadline for filing their motion for preliminary approval of the parties’  
18 proposed class action settlement and related papers in support thereof is extended  
19 from May 1, 2018 to May 9, 2018; and
- 20 2. The existing hearing date and time on Plaintiffs’ motion for preliminary approval  
21 (May 22, 2018 at 2:30 pm) shall remain unchanged.

22 IT IS SO STIPULATED.

23 Respectfully submitted,

24 Dated: April 30, 2018

SCOTT+SCOTT ATTORNEYS AT LAW LLP

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*Lead Counsel for Plaintiffs and the Proposed Class*

Dated: April 30, 2018

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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*Attorneys for Defendants Avinger, Inc., Jeffrey M. Soinski, John B. Simpson, Matthew B. Ferguson, Donald A. Lucas, James B. McElwee, James G. Cullen, and Thomas J. Fogarty*

Dated: April 30, 2018

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9 *Attorneys for Defendants Canaccord Genuity,*  
10 *Inc., Cowen and Company, LLC, Oppenheimer*  
11 *& Co., BTIG, LLC, and Stephens Inc.*

12 **ATTESTATION**

13 I, John T. Jasnoch, am the ECF User whose ID and password are being used to file this  
14 Stipulation and [Proposed] Order Staying Further Proceedings Pending Submission of Class  
15 Action Settlement Papers and Setting Dates for Filing of Preliminary Approval Motion and  
16 Preliminary Approval Hearing. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest  
17 that John F. Batter, III and Ignacio Salceda have concurred in this filing.

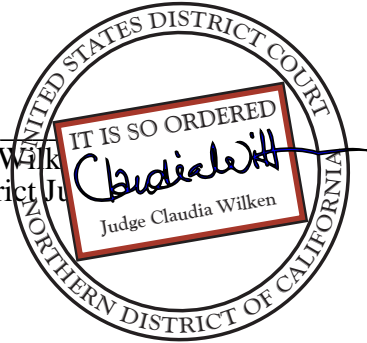
18 /s/ John T. Jasnoch  
19 John T. Jasnoch (CA 281605)

~~PROPOSED~~ ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

DATED this 1st day of May, 2018.

The Hon. Claudia Wilken  
United States District Judge



**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury under the laws of the United States of America that, on April 30, 2018, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses for all counsel of record (which includes counsel for all parties) in this action

/s/ John T. Jasnoch  
John T. Jasnoch (CA 281605)